

AMENDMENTS TO THE DRAWING:

The attached drawing sheet containing Fig. 1 replaces the original sheet including Fig. 1 showing that reference numbers 20 and 22 have been added.

Attachment: Replacement Sheet

REMARKS

Claims 10-12 have been cancelled. Accordingly, claims 1-9 are pending on appeal.

Applicant respectfully traverses the new rejection of claims 1-9 under 35 U.S.C. §103 pursuant to 37 CFR §41.50(b) as unpatentable over the prior art sanding block disclosed on pages 1 and 2 of Applicant's specification in view of Kingman 2,386,900 and Hays 2,553,254. The rejection is improper because it is based upon an improper modification of Applicant's disclosed prior art sanding block by Kingman.

First, Applicant's disclosed prior art sanding block is for drywall finishing whereas Kingman is directed towards a scourer for kitchen utensils. One skilled in the art of drywall finishing would not look to the kitchen utensil teachings of Kingman while seeking to modify drywall sanding blocks. Further in this regard, the problem addressed by Kingman, the vast diversity of shapes and sizes encountered in kitchen utensils and cookware, does not speak to the drywall sanding task associated with a drywall sanding block. For these reasons alone, the rejection is improper and should be withdrawn.

Second, even if one skilled in the art of drywall finishing were to look to kitchen utensil teachings, and specifically to Kingman, one so skilled would not see the teachings of Kingman's rigid core scouring device as being relevant or useful to the "flexible, compressible, polymeric foam" core sanding block of Applicant's acknowledged prior art. In this regard, the four different edge profiles of Kingman's scouring device are necessary because the rigid core of Kingman cannot conform to the diversity of shapes and curvatures presented by the variety of kitchen utensils and

cookware that may require scouring in any given kitchen. This problem is not encountered with the Applicant's admitted prior art device because it's "flexible, compressible, polymeric foam" core allows the sanding block to conform to any curved surface without requiring that the edge profile of the sanding block be closely matched to the curved surface being sanded. Thus, Kingman's teaching would provide no benefit to Applicant's admitted prior art device. As enunciated by the Supreme Court in *KSR International Co. v. Teleflex Inc.*, (82 USPQ2d at 1396) there must be some articulated reason with some rational underpinning to support the legal conclusion of obviousness. There can be no rational underpinning for modifying a reference with no apparent benefit, such as is done in the proposed modification. Accordingly, for this additional reason, the rejection is improper and should be withdrawn.

Notwithstanding the foregoing, Applicant has amended the claims to further distinguish the applied prior art. Specifically, claim 1 has been amended to characterize both expansive sides as being abrasive, with each expansive side having a sharp edge and a curved edge. This structure is neither shown nor suggested by Applicant's admitted prior art device, Kingman, or Hays, taken alone or together. Indeed, quite the opposite, Applicant's admitted prior art device and Hays both teach that all four edges of the expansive sides should have the same profile and Kingman teaches that all four edges of the device should have different profiles. In this regard, Kingman expressly teaches away from the claim structure by expressly requiring that each of its edges have a different profile so as to allow the rigid core scourer to better conform to the diversity of curved surfaces that would be encountered in the kitchen utensils and


cookware of a typical kitchen. The teachings of Kingman cannot be ignored in this regard. Accordingly, for this additional reason, the rejection of claims 1-9 should be withdrawn and the claims allowed.

Claim 2 has been amended to even further distinguish the references by characterizing the radius of one curved edge as being substantially equal "to the radius of the other curved edge". Again, this structure is neither shown nor suggested in the applied references and is particularly taught away from by the teachings of Kingman which require its four edges to each have a different profile from any of the other edges. Accordingly, for this additional reason, the rejection of claim 2 and its dependent claims should be withdrawn.

In view of the foregoing, Applicant respectfully requests reopening of the prosecution, consideration of the amended claims, reconsideration of the rejection and allowance of the case.

Respectfully submitted,

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